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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Thomas J. Kodadek

Serial No.: 09/780,575

Filed: February 9, 2001

For: SELECTION OF PEPTIDES WITH
ANTIBODY-LIKE PROPERTIES

Group Art Unit: 1639

Examiner: Bennett M. Celsa

Atty. Dkt. No.: UTSD:566US

CERTIFICATE OF MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: MS SEQUENCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

November 26, 2003

Date

Steven L. Highlander

RESPONSE TO OFFICE COMMUNICATION

MS SEQUENCE

Commissioner for Patents
P.O. Box 2327
Arlington, VA 22202

Sir:

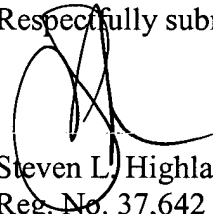
In response to the Office Communication dated October 28, 2003, there are enclosed herewith:

- (a) Third Preliminary Amendment;
- (b) A copy of Notice Office Communication.

It is believed that no fee is due with this communication, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed document, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski Deposit Account No. 50-1212/UTSD:566US.

Please date stamp and return the accompanying postcard to evidence receipt of these documents.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steven L. Highlander", is written over a circular stamp or seal.

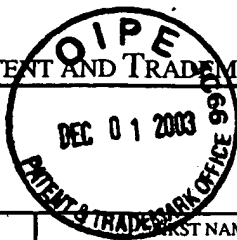
Steven L. Highlander
Reg. No. 37,642
Attorney for Applicant

FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
(512) 474-5201

Date: November 26, 2003



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,575	02/09/2001	Thomas J. Kodadek	UTSD:566US/SLH	1617

7590 10/28/2003

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Austin, TX 78701

EXAMINER

CELSA, BENNETT M

ART UNIT

PAPER NUMBER

1639

DATE MAILED: 10/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED	
Date of Decision:	11/28/03
<i>See history sheet</i>	
<i>(No Extensions!)</i>	
NOV 04 2003	
Client:	UTSD:566US
Attorney(s):	DLP/SLH
Initials:	<i>h SZ</i>

FULBRIGHT & JAWORSKI LLP
AUSTIN, TEXAS

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UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/ 780,575			

EXAMINER	
CELSA, BENNETT	
ART UNIT	PAPER NUMBER
1639	12

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

SEQUENCE RULES : NONBONAFIDE ATTEMPT LETTER

The communication filed August 15, 2003 in paper no. 11 is not fully responsive to the Office communication (BONAFIDE ATTEMPT LETTER) mailed in paper no. 8 (dated MARCH 26, 2003) for the reason(s) set forth on the attached Notice to Comply With The Sequence Rules and for the following reasons. e.g. the specification e.g. THE DRAWINGS AND/OR THE BRIEF DESCRIPTION THEREOF must be revised to insert sequence identifiers INCLUDING CORRECT IDENTIFIERS, WHERE NECESSARY; FOR EXAMPLE:

1. FIG. 1A (or Brief Description thereof) MUST IDENTIFY TARGET PEPTIDE AND INSERT CORRECT SEQ. ID'S (e.g. SEQ 5 and SEQ 3, respectively);
2. There is no sequence identifier for peptide His6-LEPB-80 in Fig. 3. ;
3. In "Preliminary Amendment" regarding peptides in fig. 5: the peptides and their sequence identifiers are incorrectly matched (e.g. it appears that the identifiers should be switched in order to properly correspond).
4. Fig. 8 (or Brief Description thereof) MUST IDENTIFY NEAY...N PEPTIDE AND Provide Seq. Identifier.
5. Brief Description of Fig. 9 provided in Preliminary Amendment improperly designated KARK ...TAEQ peptides as SEQ ID> 1 (should be SEQ Id 2 ???).

Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

Applicant is given a TIME PERIOD of **ONE (1) MONTH** from the mailing date of this communication within which to correct the deficiency so as to comply with the sequence rules (37 CFR 1.821 - 1.825) in order to avoid abandonment of the application under 37 CFR 1.821(g). **NO EXTENSIONS OF THIS TIME ARE AVAILABLE.**

General information regarding further correspondence



Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Celsa whose telephone number is (703) 305-7556.

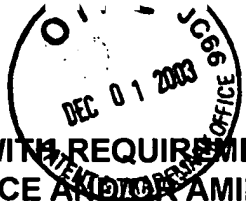
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Wang (art unit 1639), can be reached at (703) 306-3217.

Any inquiry of a general nature, or relating to the status of this application, should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Bennett Celsa (art unit 1639)
October 27, 2003.

BENNETT CELSA
PRIMARY EXAMINER



Application No.: 780,575

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**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ Other: **specification (drawings or Brief Description thereof) must be revised to insert sequence identifiers to insure compliance.**

Applicant Must Provide:

- ☒ An initial or **substitute** computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or **substitute** paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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